

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FILED  
U.S. DISTRICT COURT  
2009 JUN 26 A 10:08  
DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

ROBERT ANDREW LUCERO,

Plaintiff,

vs.

UNITED STATES DISTRICT COURT,

Defendant.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:09 CV 55 TC

The court referred this case to Magistrate Judge Brooke C. Wells pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). On May 27, 2009, Judge Wells, in a very thorough Report and Recommendation, recommended that Plaintiff's complaint be dismissed pursuant to 28 U.S.C. § 1915.

The parties were given ten days to file objections to the Report and Recommendation and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. Plaintiff did not file an objection to the Report and Recommendation but on June 8, 2009 did file a motion to stay case until further notice. Plaintiff had also filed two motions for appointment of counsel and a motion for service of process prior to the Report and Recommendation.

The court has carefully reviewed the Report and Recommendation<sup>1</sup> in this matter and relevant materials in the file and agrees with the recommendation of the Magistrate Judge. The Report and Recommendation is adopted as the order of the court. Plaintiff's complaint is dismissed without prejudice. The motion to stay until further notice<sup>2</sup> is denied<sup>3</sup>. The motion for service of process<sup>4</sup> is denied as moot. Plaintiff has no constitutional right to counsel and therefore his motions to appoint counsel<sup>5</sup> are denied.

DATED this 26th day of June, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL  
Chief Judge

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<sup>1</sup>(Dkt. 10)

<sup>2</sup>(Dkt. 11)

<sup>3</sup> The Report and Recommendation was issued on May 27, 2009. The court has given Plaintiff almost one month to find an attorney. The court has not received notice that an attorney has entered an appearance on Plaintiff's behalf.

<sup>4</sup>(Dkt. 5)

<sup>5</sup>(Dkt. 6) and Dkt. 9)